

# Calendar No. 444

89TH CONGRESS }  
1st Session }

SENATE

{ REPORT  
No. 460

## AUTHORIZING TRANSPORTATION AT GOVERNMENT EXPENSE OF PRIVATELY OWNED MOTOR VEHICLES OF MEMBERS OF THE ARMED FORCES

---

JULY 15<sup>th</sup> (legislature day, JULY 14), 1965.—Ordered to be printed

---

Mr. INOUE, from the Committee on Armed Services, submitted the following

### REPORT

[To accompany H.R. 8484]

The Committee on Armed Services, to whom was referred the bill (H.R. 8484) to amend section 2634 of title 10, United States Code, relating to the transportation of privately owned motor vehicles of members of the Armed Forces on a change of permanent station, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE

The basic objective of this bill is to broaden the authority for the sea transportation at Government expense of automobiles owned by military personnel.

The principal reason for such broadening is to provide relief to members of the Armed Forces ordered to Vietnam from permanent duty stations outside the United States.

#### EXPLANATION

Under current law a member of the Armed Forces ordered to make a permanent change of station is entitled to have one automobile owned by him and for his personal use shipped to his new station at the expense of the United States. This authority is limited to transportation from the port serving his old station to the port serving his new duty station. In contrast, a member of the Armed Forces is authorized to move his household goods to places other than his new duty station when he is ordered to a permanent change of station.

The restriction in current law on the transportation of automobiles has created hardships for members of the Armed Forces serving in overseas areas such as Hawaii, Okinawa, and the Philippines when they are ordered to an area such as Vietnam where they cannot take their dependents or automobiles. In these cases the dependents and household goods are returned to a location in the United States, but the member now must either sell the automobile or pay the cost of overseas transportation and port handling charges for shipment to a port in the United States. Members of the 1st Marine Brigade who were ordered from Hawaii to Vietnam in May of this year have experienced the problem this bill is intended to relieve.

The bill would amend existing law to provide that the Secretary of the service concerned may authorize the transportation of an automobile owned by the member for this personal use or the use of his dependents to the member's new station or to such other place as the Secretary may authorize. The bill would be retroactive in effect to May 1, 1965, to cover the shipment from Hawaii of motor vehicles owned by members of the 1st Marine Brigade who were transferred to Vietnam.

#### *Use of foreign-flag shipping service*

The existing authority for the sea shipment of automobiles owned by members of the Armed Forces is limited to vessels owned, leased, or chartered by the United States, or to privately owned American shipping services. This bill would permit the use of foreign-flag shipping services if shipping services on vessels owned, leased, or chartered by the United States or privately owned American shipping services are not reasonably available. In a few instances members of the Armed Forces are transferred between overseas duty stations not served by U.S. vessels or privately owned American shipping services. Consequently, the shipment of privately owned vehicles is either disapproved or the automobile must be transshipped through an American port to the final destination. If the shipment is denied the member is disadvantaged for reasons beyond his control. If the automobile is first shipped to the United States the costs are greater than if foreign shipping services could be used.

#### *Shipment of a replacement vehicle*

Under the law now in effect a member of the Armed Forces whose automobile is lost or destroyed for reasons beyond his control after it has been shipped at Government expense to his permanent duty station is not entitled to have a replacement automobile shipped at Government expense. This law is different from the one applicable to civilian employees, who may have a replacement automobile shipped at Government expense when the head of the department concerned determines that such replacement is necessary for reasons beyond the control of the employee and is in the interest of the Government. This bill would equalize the entitlement of members of the Armed Forces with that of civilian employees in this respect.

The committee expects this authority to be carefully administered. The term "replacement" should be strictly construed so that the transportation of a second automobile at Government expense is authorized only in good-faith cases of hardship.

*Definition of the term "change of permanent station"*

For the purpose of shipment of automobiles of members of the Armed Forces at Government expense, the bill would define the term "change of permanent station" to include changes from home to first station when called to active duty and from last station to home upon separation or retirement and an authorized change in home yard or home port of a vessel, in addition to transfers or assignments between permanent posts of duty or official stations. The committee was informed that this definition is consistent with the definition applied under the Joint Travel Regulations for the purpose of entitlement to shipment of household effects and that this definition conforms to the practice now being followed with respect to the shipment of automobiles. Hence this definition ratifies the current construction of the phrase "to his new station" in section 2634 of title 10, United States Code.

## COST

The Department of Defense estimates that enactment of this bill will result in increased annual costs of \$80,000. This amount can be absorbed within existing appropriations for fiscal year 1965.

## DEPARTMENTAL RECOMMENDATION

A letter from the then Secretary of the Army dated May 21, 1965, that is printed below and made a part of this report, shows that this bill is recommended by the Department of Defense and that the Bureau of the Budget has no objection to it.

MAY 21, 1965.

HON. JOHN W. McCORMACK,  
*Speaker of the House of Representatives.*

DEAR MR. SPEAKER: There is forwarded herewith a draft of legislation to amend section 2634 of title 10, United States Code, relating to the transportation of privately owned vehicles of members of the Armed Forces on a change of permanent station.

This proposal is part of the Department of Defense legislative program for the 89th Congress and the Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Army has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

## PURPOSE OF THE LEGISLATION

Section 2634 of title 10, United States Code, presently authorizes the oversea transportation on vessels owned, leased, or chartered by the United States or by privately owned American shipping services of privately owned vehicles of Army, Navy, Marine Corps, Air Force, and Coast Guard military personnel, respectively, only to the member's new permanent duty station. The basic objective of this proposed legislation is to broaden this authority to permit the transportation on a change of permanent station of privately owned vehicles of military members at Government expense to such other places or locations as the Secretaries of the respective services may authorize.

including but not limited to places such as "home of record" and "home of selection" on separation or retirement. Additionally, the proposal includes authority for (1) use of foreign-flag shipping services when vessels owned, leased, or chartered by the United States or privately owned American shipping services are not available; and (2) shipment of a replacement vehicle when a member's privately owned vehicle is lost or destroyed for reasons beyond his control.

This proposed legislation would provide the statutory basis for the issuance of implementing regulations by the Secretaries concerned to authorize the shipment at Government expense of a privately owned vehicle from an overseas port (including Alaska and Hawaii) to a port in the continental United States or a port serving Alaska, Hawaii, or a territory or possession of the United States in connection with (1) the movement of dependents from the overseas duty station to a designated location in the continental United States or in a territory or possession of the United States when the military member is transferred on a change of permanent station to another overseas duty station and his dependents are not authorized to travel to the new overseas duty station; and (2) the transfer on a change of permanent station of a military member from an overseas duty station to another overseas duty station where the military member is not permitted to take his privately owned vehicle. Such legislation would also provide authority for the shipment of a privately owned vehicle to Alaska, Hawaii, or a territory or possession of the United States when a member is transferred on a change of permanent station from the continental United States to an overseas duty station and the dependents are not authorized to travel to the new overseas duty station or the member is not permitted to take his privately owned vehicle.

Present authority permits the transportation of privately owned vehicles of military members at Government expense only on vessels owned, leased, or chartered by the United States or by privately owned American shipping services. The added authority proposed in clause (3) of subsection (a) of the proposed legislation which would permit the use of foreign-flag shipping services when U.S. vessels or privately owned American shipping services are not available is considered necessary because of difficulties being experienced in many instances involving transfers of military members between overseas duty stations. Many direct sea routes between foreign countries are not used by U.S. vessels or privately owned American shipping services. This presently results in either the disapproval of shipment of privately owned vehicles in such cases or a requirement for a transshipment through an American port to the final destination. Neither of these actions is desirable. Insofar as the member is concerned, denial of shipment is inequitable because he is being denied shipment of a privately owned vehicle for reasons beyond his control and in those cases where shipment is approved, transshipment costs are incurred which are greater than those which would accrue if foreign shipping services could be used.

Subsection (a) of the proposed legislation would also authorize the shipment of a replacement vehicle at Government expense when a member's vehicle is lost or destroyed for reasons beyond his control. Present law permits the shipment of only one motor vehicle when a member is ordered to make a change of permanent station. It is apparent that if the single authorized vehicle is lost, destroyed, or otherwise rendered useless, even through no fault of his own, a member stationed outside the continental United States is faced with the expense of paying transportation charges for a replacement vehicle or the fact of doing without one. A vehicle is required by military members for transporting their children to and from school, obtaining medical services, family shopping, and otherwise to meet the requirements of normal day-to-day living, in addition to the important purpose of transportation to and from their duty posts when other transportation is not available or convenient. It should also be noted that Public Law 86-707 (5 U.S.C. 73b-1(f)) authorizes the shipment of a replacement vehicle for civilian employees when the head of the department concerned determines that such replacement is necessary for reasons beyond the control of the employee and is in the interest of the Government. The legislative history of this provision indicates that "reasons beyond the control of the employee" means rapid deterioration of a vehicle due to severe climatic conditions or loss through fire, theft, or similar causes. Enactment of this provision will have the effect of equalizing the position of members of the Armed Forces with that of civilian employees in this respect.

Subsection (b) of the proposed legislation defines the term "change of permanent station" to include, in addition to transfer or assignments between permanent posts of duty or official stations, changes from home to first station when called to active duty and from last station to home upon separation or retirement. The necessity for a clarifying definition of the term "change of permanent station" for the purposes of this statute arises from a recent ruling of the Judge Advocate General of the Army. This ruling states that the use of the phrase "to his new station" in section 2634, title 10, United States Code, specifically limits the entitlement in that section to transfers or assignments between posts of duty or duty stations, which does not include a place of residence after separation or retirement. While this Department has considered the present language of section 2634 sufficiently broad to permit shipment of privately owned vehicles of military members at Government expense to "home of record" or "home of selection" on separation or retirement and has for many

years provided for such an entitlement in its administrative regulations, the ruling of the Judge Advocate General may require the administrative curtailment of this entitlement. Legislation is, therefore, considered necessary to clarify the doubt in this respect.

While there is no existing statutory authority for the transportation of a military member's privately owned vehicle on a change of permanent station to a location other than the member's new duty station, except under unusual or emergency circumstances in advance of permanent change of station orders as provided under section 406(h) of title 37, United States Code, there does exist authority for the movement of his dependents and household goods to places other than the member's new duty station. The inequities created in these situations are self-evident and in the opinion of this Department a result which was never intended. Under such circumstances, a member is compelled to either dispose of his vehicle in the oversea area or pay the required ocean transportation charges and port handling costs for shipment to the continental United States. A privately owned vehicle represents a major investment for the average service member. Moreover, the present requirement to pay in advance for the ocean transportation charges and port handling costs has proven to be financially burdensome or beyond the capabilities of some members or dependents. Enactment of this proposed legislation would serve to alleviate the financial hardship presently being imposed on members in the above-described circumstances for reasons beyond their control and would have a beneficial morale effect on personnel, in general, stationed outside the continental United States.

It is estimated that the enactment of this proposal will result in the following additional annual costs:

#### COST AND BUDGET DATA

Department of Army-----	\$21, 000
Department of Navy-----	29, 000
Department of Air Force-----	30, 000
Total-----	80, 000

While no funds were included in the President's fiscal year 1965 budget for this purpose, the estimated additional costs can be absorbed.

Sincerely yours,

(Signed) Stephen Ailes,  
STEPHEN AILES,  
*Secretary of the Army.*

## CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, there is herewith printed in parallel columns the text of provisions of existing law which would be repealed or amended by the various provisions of the bill.

## EXISTING LAW

Section 2634 of title 10, United States Code

**§ 2634. Motor vehicles: for members on permanent change of station**

When a member of an armed force is ordered to make a permanent change of station, one motor vehicle owned by him and for his personal use may be transported to his new station at the expense of the United States—

(1) on a vessel owned, leased, or chartered by the United States; or

(2) by privately owned American shipping services; unless a motor vehicle owned by him was transported in advance of that permanent change of station under section 406(h) of title 37.

## THE BILL

Section 2634 of title 10, United States Code, is amended to read as follows:

**§ 2634. Motor vehicles; for members on change of permanent station**

(a) When a member of an armed force is ordered to make a change of permanent station, one motor vehicle owned by him and for his personal use or the use of his dependents may, unless a motor vehicle owned by him was transported in advance of that change of permanent station under section 406(h) of title 37, be transported, at the expense of the United States, to his new station or such other place as the Secretary concerned may authorize—

(1) on a vessel owned, leased, or chartered by the United States;

(2) by privately owned American shipping services; or

(3) by foreign-flag shipping services if shipping services described in clauses (1) and (2) are not reasonably available.

When the Secretary concerned, or his designee, determines that a replacement for that motor vehicle is necessary for reasons beyond the control of the member and is in the interest of the United States, and he approves the transportation in advance, one additional motor vehicle of the member may be so transported.

(b) In this section, "change of permanent station" means the transfer or assignment of a mem-

## EXISTING LAW

Section 406(h)(2) of title 37,  
United States Code

(2) authorize the transportation of one motor vehicle owned by the member and for his or his dependents' personal use to that location on a vessel owned, leased, or chartered by the United States or by privately owned American shipping services.

## THE BILL

ber of the armed] forces from one permanent station to another. It includes the change from home or from the place from which ordered to active duty to first station upon appointment, call to active duty, enlistment, or induction, and from last duty station to home or to the place from which ordered to active duty upon separation from the service, placement upon the temporary disability retired list, release from active duty, or retirement. It also includes an authorized change in home yard or home port of a vessel.

Section 406(h)(2) of title 37, United States Code, is amended to read as follows:

(2) authorize the transportation of one motor vehicle owned by the member and for his or his dependents' personal use to that location by means of transportation authorized under section 2634 of title 10.

SEC. 3. This Act shall be effective May 1, 1965. Any member who—

(1) transported a motor vehicle at his personal expense after April 30, 1965, and before the enactment of this Act; and

(2) would have been entitled to the transportation of such motor vehicle at Government expense under the provisions of this Act;

shall be reimbursed for the allowable transportation cost actually expended by him. Appropriations available for permanent change of station travel shall be available for the reimbursements authorized by this Act.